



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,083	12/30/2003	Matthew D. Fitzpatrick	CS23585RA/10-193	7971

51874 7590 04/07/2006

LAW OFFICES OF CHARLES W. BETHARDS, LLP
P.O. BOX 1622
COLLEYVILLE, TX 76034

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT PAPER NUMBER

2618

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/749,083	Applicant(s) FITZPATRICK ET AL.	
	Examiner Shaima Q. Aminzay	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 14 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

1. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:
 - (a) TITLE OF THE INVENTION.
 - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
 - (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
 - (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
 - (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
 - (f) BRIEF SUMMARY OF THE INVENTION.
 - (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
 - (h) DETAILED DESCRIPTION OF THE INVENTION.
 - CLAIM OR CLAIMS (commencing on a separate sheet).
 - ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
 - SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A

"Sequence Listing" is required on paper if the application discloses a

nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

2. Claims 14 and 21 are identical, and the identical dependent claim 21 dependent of dependent claim 14. Correction is required.

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) Patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett (Crockett et al., U. S. Patent 6,873,854), in view of Florkey (Florkey et al., U. S. Patent 6,990,353).

Regarding claim 1, Crockett discloses a method of determining availability of members of a contact list in a wireless communication system (*see for example, Figure 1, column 1, lines 15-32, column 2, lines 16-30, column 4, lines 37-61,*

column 8, lines 30-44, column 18, lines 49-58, availability of members in the list), wherein the method comprises: determining an availability status of members of a contact list by receiving messages that indicate changes in availability of client devices associated with the contact list (see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, availability status and received messages); and transmitting information regarding the availability of the client devices [only when a change has occurred] in the availability of a client device (see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, availability of the mobile device (client device)).

Crockett does not specifically teach the transmitting only when a change has occurred, however, Crockett teaches the transmitting information regarding the availability of the client devices (see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, availability of the mobile device (client device)).

In a related art dealing with wireless communication system availability of cellular members, Florkey teaches the transmitting only when a change has occurred (see for example, Figure 1, column 1, lines 20-30, column 2, lines 46-50, column 3, lines 13-24, lines 36-55).

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Florkey transmission when change occurred with Crockett controlling client availability in wireless communication to provide a wireless communication with push-to-talk service (Crockett, *see for example, column 1, lines 15-32, column 4, lines 4-26*) and “enhanced information about the call status availability of mobile stations” (Florkey, *see for example, column 1, lines 55-56*).

Regarding claim 5, Crockett discloses a method of indicating availability of a wireless client device that is associated with a contact list in a wireless communication system (*see for example, Figure 1, column 1, lines 15-32, column 2, lines 16-30, column 4, lines 37-61, column 8, lines 30-44, column 18, lines 49-58, availability of members in the list*), wherein the method comprises: detecting a change in availability of the client device (*see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, availability status and changes*); when a change in availability of the client device is detected (*see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, availability status and change of availability*), transmitting a message from the client device to a controller (*see for example, Figure 1, column 4, lines 4-26, column 11, lines 34-*

44, column 18, lines 49-58, column 19, lines 26-41, column 21, lines 8-19, lines 60-67 continued to column 22, lines 1-2, lines 46-50, mobile message to controller), wherein the message signals the change in availability to the controller (see for example, Figure 1, column 4, lines 4-26, column 11, lines 34-44, column 6, lines 7-13, column 18, lines 49-58, column 19, lines 26-41, column 21, lines 8-19, lines 60-67 continued to column 22, lines 1-2, lines 46-50, mobile message to controller).

Crockett does not specifically teach when change in availability transmit message, however, Crockett teaches the transmitting information regarding the availability (*see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, availability of the mobile device (client device).*

In a related art dealing with wireless communication system availability of cellular members, Florkey teaches when change in availability transmit message (*see for example, Figure 1, column 1, lines 20-30, column 2, lines 46-50, column 3, lines 13-24, lines 36-55).*

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Florkey transmission when change occurred with Crockett controlling client availability in wireless communication to provide a wireless communication with push-to-talk service (Crockett, *see for example, column 1, lines 15-32, column 4, lines 4-26*) and "enhanced information

about the call status availability of mobile stations" (Florkey, *see for example*, column 1, lines 55-56).

Regarding claim 15, Crockett discloses a method of updating the availability of members of a contact list in a wireless client device (*see for example*, Figure 1, column 1, lines 15-32, column 2, lines 16-30, column 4, lines 37-61, column 8, lines 30-44, column 18, lines 49-58, availability of members in the list), wherein the method comprises: receiving from a controller a wireless message concerning the availability of other client devices (*see for example*, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, availability of the mobile device (client device)), which are associated with the contact list (*see for example*, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, availability of the mobile device (client device)), [only when a change has occurred] in the availability of at least one of the other client devices (*see for example*, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, availability of the mobile device (client device)); and storing information from the wireless message concerning the availability of the other client devices

in a memory *[of the device]* (see for example, column 8, lines 30-44, column 11, lines 34-44, column 18, lines 49-58, column 19, lines 26-41, column 20, lines 21-37, availability of the mobile device (client device) stored in memory).

Crockett does not specifically teach the transmitting only when a change has occurred and mobile device memory, however, Crockett teaches the transmitting information regarding the availability of the client devices and device memory (see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, column 19, lines 26-41, availability of the mobile device (client device) and memory storage).

In a related art dealing with wireless communication system availability of cellular members, Florkey teaches the transmitting only when a change has occurred (see for example, Figure 1, column 1, lines 20-30, column 2, lines 46-50, column 3, lines 13-24, lines 36-55) and device memory (see for example, column 4, lines 34-41, column 9, lines 28-54).

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Florkey transmission when change occurred and device memory with Crockett controlling client availability in wireless communication to provide a wireless communication with push-to-talk service (Crockett, see for example, column 1, lines 15-32, column 4, lines 4-26) and “enhanced information about the call status availability of mobile stations” (Florkey, see for example, column 1, lines 55-56).

Regarding claim 2, Crockett in view of Florkey teach all the limitations of claim 1, and further, Crockett teaches wherein the method includes: storing the changes in availability of the client devices in a queue (*see for example, column 4, lines 52-54, column 6, lines 30-34, column 9, lines 65-67 continued to column 10, lines 1-9*); and periodically transmitting the changes in availability that are in the queue to the client devices (*see for example, column 4, lines 52-54, column 6, lines 30-34, column 9, lines 65-67 continued to column 10, lines 1-9*).

Regarding claim 3, Crockett in view of Florkey teach all the limitations of claim 1, and further, Crockett teaches starting a timer (*see for example, column 9, line 32*); storing the changes in availability of the client devices in a queue (*see for example, column 9, line 32, column 19, lines 26-41*); when the timer expires (*see for example, column 9, line 32, line 33*), transmitting the changes in availability that are in the queue to the client devices (*see for example, column 4, lines 52-54, column 6, lines 30-34, column 9, lines 65-67 continued to column 10, lines 1-9*); and resetting the timer (*see for example, column 4, lines 52-54, column 6, lines 30-34, column 9, lines 65-67 continued to column 10, lines 1-9, 40-50*).

Regarding claim 4, Crockett in view of Florkey teach all the limitations of claim 1, and further, Crockett teaches if the transmitting has been performed (*see for example, column 27, lines 49-59, lines 64-67, column 28, lines 36-39, column 9,*

lines 65-67, transmitting), the method includes delaying a subsequent transmission of contact list availability information until a time interval has passed (see for example, column 27, lines 49-59, lines 64-67, column 28, lines 36-39, column 9, lines 65-67, transmitting information and delay time).

Regarding claim 6, Crockett in view of Florkey teach all the limitations of claim 5, and further, Crockett teaches receiving from the controller a message that indicates the availability of other client devices associated with the contact list when a change has occurred in the availability of any of the other client devices *(see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, availability of the mobile device (client device)).*

Regarding claim 7, Crockett in view of Florkey teach all the limitations of claim 5, and further, Crockett teaches receiving from the controller a message that indicates changes in the availability of other client devices associated with the contact list when a change has occurred in the availability of any of the other client devices *(see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, column 18, lines 49-58, availability of the mobile device (client device)).*

Regarding claims 8 and 17, Crockett in view of Florkey teach all the limitations of claims 5, 15, and further, Crockett teaches detecting a change in availability when the client device is being turned off (*see for example, column 17, lines 49-65, column 14-21*).

Regarding claims 9 and 18, Crockett in view of Florkey teach all the limitations of claims 5, 15, and further, Crockett teaches detecting a change in availability when the client device is moving out of a geographic service area of the wireless communication system (*see for example, column 7, lines 56-63, column 9, lines 58-64*).

Regarding claims 10 and 19, Crockett in view of Florkey teach all the limitations of claims 5, 15, and further, Crockett teaches detecting a change in availability when the client device moves out of a first service area and into a second service area of the wireless communication system (*see for example, column 10, lines 53-61, moved to out of service area*).

Regarding claims 11 and 20, Crockett in view of Florkey teach all the limitations of claims 10, 15, and further, Crockett teaches wherein the first service area is a digital service area and the second area is an analog service area (*see for example, column 4, lines 37-47, column 5, lines 15-21, column 9, lines 58-64*,

column 2, lines 42-50, column 4, lines 4-15, the CDMA or digital service area, and Push-To-Talk the analog service area).

Regarding claim 12, Crockett in view of Florkey teach all the limitations of claim 5, and further, Crockett teaches wherein the client device is associated with more than one contact list (*see for example, column 2, lines 16-22, column 8, lines 35-44, column 12, lines 17-22, column 15, lines 47-54, column 21, lines 8-19*).

Regarding claim 13, Crockett in view of Florkey teach all the limitations of claim 5, and further, Florkey teaches wherein the transmitting is performed only when a change in availability of the client device is detected (*see for example, Figure 1, column 1, lines 20-30, column 2, lines 46-50, column 3, lines 13-24, lines 36-55*).

Regarding claims 14 and 21, Crockett in view of Florkey teach all the limitations of claim 5, and further, Crockett teaches wherein the method is performed by a mobile telephone (*see for example, Figure 1, column 1, lines 20-30, column 2, lines 46-50, column 3, lines 13-24, lines 36-55, column 18, lines 49-67 continued to column 19, lines 1-11*).

Regarding claim 16, Crockett in view of Florkey teach all the limitations of

claim 15, and further, Crockett teaches wherein the method comprises: detecting a change in availability of the wireless client device (*see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, availability status and changes*); and when a change in availability of the wireless client device is detected (*see for example, Figure 1, column 6, lines 7-13, column 8, lines 30-44, column 9, lines 65-67, column 10, lines 16-22, column 11, lines 9-33, column 16, lines 58-67 continued to column 17, lines 1-20, availability status and change of availability*), transmitting a wireless message from the wireless client device to the controller (*see for example, Figure 1, column 4, lines 4-26, column 11, lines 34-44, column 18, lines 49-58, column 19, lines 26-41, column 21, lines 8-19, lines 60-67 continued to column 22, lines 1-2, lines 46-50, mobile message to controller*), wherein the message signals the change in availability of the wireless client device to the controller (*see for example, Figure 1, column 4, lines 4-26, column 11, lines 34-44, column 6, lines 7-13, column 18, lines 49-58, column 19, lines 26-41, column 21, lines 8-19, lines 60-67 continued to column 22, lines 1-2, lines 46-50, mobile message to controller*), and further, Florkey teaches when change in availability transmit message (*see for example, Figure 1, column 1, lines 20-30, column 2, lines 46-50, column 3, lines 13-24, lines 36-55*).

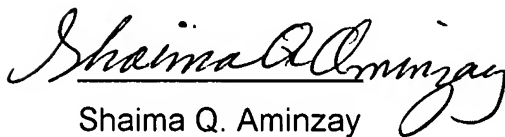
Conclusion

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay
(Examiner)

April 2, 2006

Nay A. Maung
(SPE)

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

Lo. 4/2/06